

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAVON AARON,

Plaintiff,

-against-

KEYSER, et al.,

Defendants.

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21 CIVIL 5258 (PMH)
JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the

Court's Opinion and Order dated May 15, 2023, the motion to dismiss is GRANTED with prejudice as to Plaintiff's claims three, five, six, and eight, and without prejudice as to those claims dismissed for lack of standing or deficient service of process, namely claims one, two, four, seven, nine, ten, eleven, and twelve.

Although "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint," it is "not necessary when it would be futile." Reed v. Friedman Mgmt. Corp., 541 F. App'x 40, 41 (2d Cir. 2013) (citing Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000)). This action is dismissed with prejudice to the extent outlined in the Order. Having already amended her Complaint once and having supplemented that amended pleading through her opposition on this motion, any further amendment would be futile. Although Plaintiff has not sought permission to do so, leave to file a Second Amended Complaint is denied. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Opinion and Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue); accordingly, the case is closed.

Dated: New York, New York

May 15, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mangold

Deputy Clerk